

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MEMORANDUM OPINION AND ORDER

Before the Court is Christopher Henry's motion to reduce his sentence pursuant to United States Sentencing Guidelines Amendment 782. [D. 31]. He argues that he is eligible for a reduction and that the Court should grant it. The Government agrees that Henry is eligible for a reduction and states that it will defer to the Court's judgment.

In deciding whether to reduce a sentence, the Court follows a two-step inquiry. First, the Court determines if the prisoner is eligible for a sentence reduction. *Dillon v. United States*, 560 U.S. 817, 826 (2010). If so, the Court then looks to whether a reduction is warranted. *Id.*

Henry is eligible for a sentence reduction. If a prisoner is sentenced under a Guideline that is later revised, he is eligible to have his sentence recalculated if that Guideline is made retroactive. 18 U.S.C. § 3582(c)(2); U.S.S.G. § 1B1.10(a)(1). Henry was convicted of possessing oxycodone with intent to distribute. *See* 21 U.S.C. § 841(a)(1). He was sentenced on April 11, 2011. Amendment 782 lowered the drug-offense sentencing guidelines by two levels. *United States v. Taylor*, 815 F.3d 248, 249 (6th Cir. 2016). It took effect on November 1, 2014, and was made

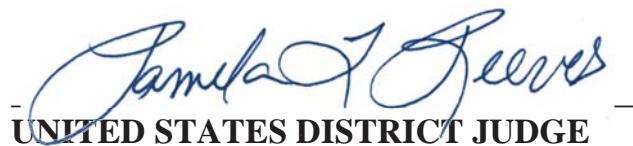
retroactive by Amendment 788. *Id.* Henry is therefore eligible to have his sentence reduced under Amendment 782.

A sentence reduction is warranted. The Court's decision is guided by the relevant factors set out in 18 U.S.C. § 3553(a). In support of his motion, Henry notes several facts. He has taken several educational classes to improve life skills and boost his well-being. *See* 18 U.S.C. § 3553(a)(2)(D). He requests only a small sentence reduction, from 111 months to 106. *See id.* § 3553(a)(2)(A) (nature and circumstances of offense, providing just punishment). And though Henry has incurred some disciplinary sanctions while in prison, they were for minor, nonviolent offenses. *See id.* (promoting respect for law). Henry is entitled to a sentence reduction.

As to the drug crime, Henry was sentenced to 51 months in prison. His new Guideline range is 46–57 months, and he requests a new sentence of 46 months. In light of the above, the Court finds this request well-taken. Henry's motion for a sentence reduction is **GRANTED**. His sentence for the drug crime is reduced to 46 months.

Henry was also sentenced to 60 months' imprisonment for a related gun crime, to be served consecutively with the drug charge. Henry does not request that this part of his sentence be reduced. Accordingly, Henry's total sentence is **reduced to 106 months**. The rest of his original sentence remains the same.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE